

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

DAVID RENATO NUNEZ-PEREZ

vs.

**CASE NO.: 3:19-CV-01555 (WYG)
[RELATED CRIMINAL CASE: 3:01-CR-00519-02 (JAG)]**

**ERIK ROLAN SUAREZ,
HECTOR HERNANDEZ-MORALES, AND
COMMONWEALTH OF PUERTO RICO**

**MOTION NOTIFYING VIOLATIONS TO RELEASE
CONDITIONS**

**TO THE HONORABLE WILLIAM G. YOUNG
SENIOR UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF MASSACHUSETTS, SITTING BY DESIGNATION**

COMES NOW, Ricardo A. Carrillo-Lopez, United States Probation Officer of this Honorable Court, presenting an official report as to the conduct of Mr. David Renato Nunez-Perez. On October 18, 2002, the above-named defendant was sentenced to one-hundred and twenty (120) months of imprisonment, followed by a five (5) year term of supervised release for violating United States Code 18 §§ 2 and 2119(3); to wit: Aid and abet in motor vehicle theft, carjacking. After requesting an appeal of his instant offense case and while the same is being reviewed by the Honorable Court, Mr. Nunez-Perez was allowed to commence his supervised release term on July 18, 2023, and the same is due to expire on July 17, 2028.

Since that time, Mr. Nunez-Perez has violated the following conditions of his release:

MANDATORY CONDITION: THE DEFENDANT SHALL NOT ILLEGALLY POSSESS A CONTROLLED SUBSTANCE.

MANDATORY CONDITION: THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER.

STANDARD CONDITION: THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN.

ADDITIONAL SUPERVISED RELEASE TERM: IF ANY DRUG TEST SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM ARRANGED AND APPROVED BY THE PROBATION OFFICER UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE US PROBATION OFFICER.

On January 30, 2024, Mr. Nunez-Perez tested positive to Cocaine and Fentanyl. Mr. Nunez-Perez verbally admitted to said positive result but declined to sign the admission of drug use form. As such, said result was sent to Alere Toxicology Services, Inc. and was confirmed positive for both stated substances. In response to this positive test and taking into account the fact that Mr. Nunez-Perez was actively enrolled in an out-patient substance abuse treatment at APS Clinics, the Probation Officer enrolled Mr. Nunez-Perez in the Random Drug Testing Program call system.

Subsequently, on February 7 and 21, 2024, Mr. Nunez-Perez tested positive once again to Cocaine and Fentanyl. He once again proceeded to verbally admit to the Probation Officer of his use of said substances but declined to sign the admission of drug use form. Following protocol, both specimens were sent for confirmation at Alere Toxicology Services, Inc. Said results were confirmed positive to Cocaine and Fentanyl. In response, the Probation Officer visited Mr. Nunez-Perez on February 27, 2024, to verify if his illicit use of substances subsided. Upon instruction by the Probation Officer to provide a urine sample for testing, Mr. Nunez-Perez refused to provide the same. Afterwards, on March 1 and 21, 2024, Mr. Nunez-Perez yet again tested positive to Cocaine and Fentanyl and, yet again, Mr. Nunez-Perez verbally admitted to using said substance but declined from signing any drug use admission form. The specimens were once again sent for confirmation at Alere Toxicology Services, Inc. and were confirmed positive for the beforementioned substances.

Finally, on April 5, 2024, Mr. Nunez-Perez did not report for testing under the Random Drug Testing Program. In response, the Probation Officer visited Mr. Nunez-

Perez in order to address the same and also obtain a urine sample for testing on April 12, 2024. Mr. Nunez-Perez provided said sample and the same yielded positive to Cocaine and Fentanyl. Mr. Nunez-Perez verbally admitted to the Probation Officer his use of said substances but declined once again to sign the drug use admission form. As such, this specimen has been sent for confirmation at Alere Toxicology Inc., but the results of said confirmation are still pending.

It must be noted that, throughout this time and in response to these positive tests, the Probation Office and the Federal Public Defenders Office have been working hand-in-hand in order to formulate a plan of action that can both assist Mr. Nunez-Perez in overcoming his apparent substance abuse problem, while also allowing him to continue benefiting from his medical treatment for his physical ailment and not overly affecting his current employment opportunity at Xperts LLC, which was facilitated by the Probation Office. As such, the proposed plan is to have Mr. Nunez-Perez once again submit to a in-patient detoxification program. This time privately. Once he concludes said program, he will be transferred to said hospital's intensive out-patient substance abuse program, where Mr. Nunez-Perez will receive treatment sessions three days per week from 5:30pm to 8:30pm until duly discharged. The added benefit of this program, as it is out-patient, is that it will also allow for Mr. Nunez-Perez to continue complying with his medical appointments and treatments, while also being able to continue his employment at Xperts LLC. In addition, and in order to verify his sobriety, Mr. Nunez-Perez will also continue enrolled under the Random Drug Testing Program call system and will be subjected to regular testing by the Probation Officer during community contacts.

On April 16, 2024, Mr. Nunez-Perez admitted himself into the detoxification program in order to ensure his continued recovery.

WHEREFORE, it is respectfully requested, unless ruled otherwise, that the Honorable Court take notice of the contents of this motion. As always, the Honorable Court will be duly and immediately notified of any further non-compliant conduct by Mr. David Renato Nunez-Perez.

In San Juan, Puerto Rico, this April 18, 2024.

Respectfully submitted,

LUIS O. ENCARNACION, CHIEF
U.S. PROBATION OFFICER

s/Ricardo A. Carrillo-Lopez
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that today, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties in this case.

In San Juan, Puerto Rico, this April 18, 2024.

s/Ricardo A. Carrillo-Lopez
Ricardo A. Carrillo-Lopez
U.S. Probation Officer